

The 2nd September, 1982.

No. 9(1)82-6 Lab/7504.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad, in respect of the dispute between the workman and the management of M/s. S.J. Knitting and Finishing Mills, 13/9, Mathura Road, Faridabad.

IN THE COURT OF HARI SINGH KAUSHIK, PRESIDING OFFICER, LABOUR COURT,  
HARYANA, FARIDABAD.

Reference No. 17 of 1981

Between

SHRI VIJAY BAHADUR WORKMAN AND THE RESPONDENT MANAGEMENT OF M/S. S.J. KNITTING  
AND FINISHING MILLS, 13/9, MATHURA ROAD, FARIDABAD.

Shri G. S. Chaudhry for the workman.

Shri B.R. Grover for the respondent.

#### AWARD

This reference No. 17 of 1981 has been referred to this Court by the Hon'ble Governor of Haryana,—vide his order No. ID/FD/249-80/65170, dated 26th December, 1980, under section 10(i)(c) of the Industrial Disputes Act, 1947, existing between Shri Vijay Bahadur, Workman and the respondent management of M/s S.J. Knitting and Finishing Mills, 13/9, Mathura Road, Faridabad. The term of the reference was:—

Whether the termination of services of Shri Vijay Bahadur was justified and in order? If not to what relief is he entitled?

On receiving the order of reference, the notices were issued to the parties. The parties appeared and filed their pleadings. According to the demand notice the case of the workman is that he was appointed as helper from 10th September, 1978 at Rs. 240 and the management have illegally terminated his services on 6th February, 1980 without giving any notice. So the workman requested that he may be reinstated with full back wages.

The case of the respondent according to written statement is that the workman was appointed from 21st November, 1979 as Assistant Printer and as the work load of the factory decreased due to non availability of order his name was struck off from the roll of company from 6th February, 1980. The respondent further alleged that as the worker has completed immediately one year of service so he was offered notice pay and retrenchment compensation. This is a case of termination simplicitor and prayed that reference may be dismissed.

On the pleadings of the parties, following issues were framed:—

1. Whether the termination of services of the workman is proper justified and in order? If not to what relief is he entitled?
2. Relief?

My findings on issue is as under:—

Issue No. 1—The representative of the respondent argued on this issue that the workman was appointed on 21st November, 1979 as Assistant Printer on temporary basis and as the work load of the factory decreased due to non availability of order his name was struck off from the roll of the company from 6th February, 1980. Ex M-1 is the application which clears the date of appointment of the workman which is given on the appointment letter and which is also signed by the workman. Ex. M-2 is appointment letter clears that the workman was appointed on temporary basis and also supported by Shri R.N. Sharda as MW-1. So it was termination simplicitor and the respondent also offered the notice pay and retrenchment compensation at the time of termination which he refused to take. So there is justification in terminating the service of the workman as the respondent has no work for the workman.

The representative of the workman argued on this issue that the workman was appointed on 10th September, 1978 as help on monthly salary of Rs 240 and he was illegally terminated on 6th February, 1980 without any reason. The workman was an active union worker and participated in the union activities. The respondent want to terminate his service. He was appointed on 10th September, 1978 as stated by the workman as WW-1 and worked as Assistant Printer. The workman has completed 240 days and was a permanent employee of the respondent company and the respondent did not pay any notice pay or retrenchment compensation at the time of termination of the workman. He argued that the respondent has failed to prove that there was less work with the respondent at time of his termination. There is no evidence on record so this cannot be believed, and the

workman was terminated without any reason due to union activities. The respondent has admitted this fact in the written statement that the workman was offered the notice pay and retrenchment compensation. On the other hand and in the written statement they have stated that the workman was appointed on 21st November, 1979 and terminated on 6th February, 1980. How the workman can be entitled for any notice or retrenchment compensation on the version of the respondent in three months. So the appointment shown by the respondent is wrong as they have accepted their fault that they offer the notice pay and retrenchment compensation why they offered retrenchment compensation and notice pay to a temporary employee who only worked for 3 months in the factory. It clears that the workman was appointed in 1978 and worked for three years and he was entitled for the retrenchment compensation. But they did not offer or pay to the workman. The respondent has proved the workman's case itself, so the termination was not proved justified by the respondent and the workman is entitled for his reinstatement.

After hearing the arguments of both the parties and going through the file I am of the view that the workman was terminated without any reason and he was a permanent employee of the factory and he cannot be terminated in this way why the respondent has terminated the workman's service. So the workman is entitled for his reinstatement with full back wages and continuity of service.

This be read in answer to this reference.

Dated 1th July, 1982.

HARI SINGH KAUSHIK,

Presiding Officer,  
Labour Court Haryana,  
Faridabad

Endst No. 1601, Dated 15th July, 1982

Forwarded (four copies) to the Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

HARI SINGH KAUSHIK,

Presiding Officer,  
Labour Court, Haryana,  
Faridabad

No. 9(1)82-6 Lab/7505.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad in respect of the dispute between the workmen and the management of M/s Snowtemp Engineering Company Ltd., 14th Mathura Road, Faridabad.

IN THE COURT OF SHRI HARI SINGH KAUSHIK, PRESIDING OFFICER, LABOUR COURT,  
HARYANA, FARIDABAD

Reference No. 198 of 1981

Between

SHRI HAZARI LAL, WORKMAN AND THE RESPONDENT MANAGEMENT OF M/S SNOW-TEMP ENGINEERING COMPANY LTD., 14TH MATHURA ROAD, FARIDABAD.

Present—

Shri Mohit Kumar Bhandari, for the workman;  
Shri S.L. Gupta, for the respondent-management.

#### AWARD

This reference No. 198 of 1981 has been referred to this Court by the Hon'ble Governor of Haryana,—vide his order No. ID/FD/112-81/32069, dated 3rd July, 1981, under section 10(i) (c) of the Industrial Disputes Act, 1947, existing between Shri Hazari Lal, workman and the respondent-management of M/s Showtemp Engineering Company Ltd., 14th Mathura Road, Faridabad. The term of the reference was :—

Whether the termination of services of Shri Hazari Lal was justified and in order? If not, to what relief is he entitled?

On receiving this reference, notices were issued to the parties. The parties appeared and filed their pleadings. The case of the workman according to demand is that he joined the respondent company on 8th November 1977 on a salary of Rs. 425 per month. He was suspended on 20th January, 1981 and directed to come at the gate of factory to make his presence during the suspension period. He went on leave from 10th February, 1981 to 1st March, 1981 after duly sanctioned and when he came from leave and reached at the gate on 3rd March, 1981 he was not allowed to mark his presence at the gate. The workman reported the matter to the Labour Inspector on 5th March, 1981 who advised to give the demand notice. It is a termination which is illegal and against the principles of natural justice and the workman is entitled for his reinstatement with full back wages and continuity of service.

The case of the respondent according to the written statement is that the claimant voluntarily offered his resignation for retrenchment and he took his full and final against which was paid to him which are annexure A & B. So there is no dispute under section 2-A of the Industrial Disputes Act, 1947. It is admitted by the respondent that the workman joined his duty on 8th November, 1977 and was also suspended on 20th January, 1981 on account of serious acts of mis-conduct and denied the leave from 10th February, 1981 to 1st March, 1981 and also denied the workman's presence on 3rd March, 1981 at the gate. The respondent displayed notice inviting application for voluntary retrenchment as some of the workmen were in excess of requirement and admitted the charges levelled against him. He took his full and final accounts and signed the vouchers. It is a after thought story and the claimant is estopped after receiving his full and final so the reference is bad.

On the pleadings of the parties only one issue as per reference was framed. My findings on the issue is as under :—

*Issue No. 1.*—The representative of the respondent argued on this issue that the workman was suspended on 20th January, 1981 and chargesheet Ex. M-1 and M-2 were issued to the workman and he was directed to mark his presence at the gate of the factory daily. The management displayed the notice inviting the application from the workman for voluntary retrenchment and on that notice 10 to 15 workmen were paid off who voluntarily offered for retrenchment. The claimant approached the management on 8th February, 1981 for voluntarily retrenchment and he gave his resignation Ex. M-3 in which he has admitted the charges. He also gave the affidavit Ex. M-4 for admission of the charges and his resignation. After the resignation he took his full and final according to the statement of accounts which is Ex. M-5 and the workman was paid through voucher Ex. M-6. The respondent produced three witness to prove their case. Shri R.S. Chauhan MW-1 and Shri L.L. Kabra W-2, who is accounts officer of the Company who deposed and proved Ex. M-6 payment of voucher by referring to the Cash book maintained in the company, and Shri Nitu Nand, Time Keeper of the Company who is corroborating the witnesses and oath Commissioner Shri Davinder Kumar as MW-4 who deposed that he read over the contention of the affidavit and he signed after hearing and finding its contents correct. He further argued that the claimant as admitted is signature on Ex. M-3 and M-4 in the Court. The statement of the workman as WW-1 cannot be believed where he has stated that his signature were obtained on 3 or 4 blank papers when he was suspended on 20th January, 1981, saying that the management will give him employment. He further argued that the plea of the workman he went on leave from 10th February, 1981 to 1st March, 1981 is not proved in the court. The workman taken his full and final on 8th February, 1981 and went home. The present reference is due to the union leaders who had pressed the workman to give the demand notice after receiving his full and final. He further argued that the workman's plea about the Conciliation report which is Ex. W-3 cannot be believed as the paper is manipulated document as it does not bear the signature of the officer and this document is in no way helps the workman.

The representative of the workman argued on this issue that the workman joined the factory as helper on 8th November, 1977 at a salary of Rs. 325 per month and he worked with full satisfaction of the management. He was a member of the union and took active part in the union activities. Due to these activities the workman was suspended on 20th January, 1981 this facts are admitted by the respondent in his written statement and evidence. The workman was asked to mark his presence at the gate daily which he did upto 8th February, 1981 and went on leave from 10th February, 1981 to 1st March, 1981 after giving application to the respondent management. When he came back from leave on 3rd March, 1981 and approached the factory to mark his presence. He was not allowed by the respondent to mark his presence at the factory gate. The workman made the complaint to the Labour Inspector on 5th March, 1981. The Labour Inspector called the parties for settlement but the respondent did not appeared before the Labour Inspector and he advised the workman to give the demand notice on which the Conciliation proceedings were started. The Conciliation proceedings are Ex. W-3 in which the respondent has stated before the Labour-cum-Conciliation Officer that the workman was suspended on 20th January, 1981 on a serious charge of mis-conduct and domestic enquiry was constituted against him. The workman did not participated in the domestic enquiry and so *ex parte* enquiry was held against him and the Enquiry Officer found him guilty of the charges. On the report of the Enquiry Officer, the workman was rightly terminated by the respondent. He further argued that before the Conciliation Officer the respondent has taken the plea that the workman was terminated after a proper and fair enquiry where as in the court they have taken the different plea that the workman offered voluntary retrenchment from the job when the respondent was retrenching the surplus workers from the company and the workman took his full and final payment. After giving his resignation which can not be believed as the respondent has taken two pleas before the different officers. The court has to see which plea his genuine and correct and the two pleas creates doubts before this court. The workman has stated in his statement as WW-1 that the respondent get the signatures on blank papers and blank

vouchers. Though Ex. M-6 bears his signatures but he has not received the amount of the voucher. He also denied the affidavit Ex. M-4 which he as stated before this court that though he signed in the same way but it the paper which he is seeing for the first time. He further argued that the workman is a illiterate person. He only know how to sing. Ex. M-3 is not wirtten by his own hand and it was written by the respondent of his own way, for their own interest. He further argued that Shri Davinder Kumar appeared as MW-4 who has stated in his cross examination that he did not recognise Shri Hazari Lal, it clears that the workman did not appear before the witness MW-4. The paper might have got signed by the management at two places. The workman has denied this fact that he went to the court for this affidavit. So it is not a proved document. The workman has stated as WW-1 that his signatures is taken on blank papers at the time of enrolment and also when he was suspended on 20th January, 1981 with the assurance that he will be given job at an early time. So the workman was terminated by the respondent without any specific reason given in the evidence of the respondent and he is entitled for his reinstatement with full back wages and continuity of service.

• After hearing the arguments of both the parties and going through the file I am of the view that the workman was terminated by the respondent due to his union activities as he was a active member of the union who participated in the union activities. He was charge-sheeted by the respondent along with other six workmen the names of the workmen are given in Ex. M-1 for the union activities. The arguments put forwarded by the workman's representative has some force as in Ex. W-3 which is a conciliation report in which the respondent has taken the plea of termination of service of the workman after a porper enquiry. If the respondent has some doubt about this report as false then they should have called the Conciliation Officer with record to clear the position where the statement of the respondent was made before the Conciliation Officer as it is or some what different. The respondent has failed to call any such person to clear the position. It shows that they agree with the Ex. W-3 the conciliation report submitted by the workman before me, and after this statement of the respondent, the documents and the plea taken by the respondent in the court cannot be believed, and in these circumstances, the workman is entitled for his reinstatement with full back wages and continuity of service.

This be read in answer to this reference.

Dated the 1st July, 1982.

HARI SINGH KAUSHIK,  
Presiding Officer,  
Labour Court, Haryana, Faridabad.

Endst. No. 1602, dated the 15th July, 1982

Forwarded (four copies) to the Commissioner and Secretary to Government, Haryana, Labour and Employment Department, Chandigarh as required under section 15 of the Industrial Disputes Act.

HARI SINGH KAUSHIK,  
Presiding Officer,  
Labour Court, Haryana, Faridabad.

No. 9(1)82-6Lab.-7506.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad in respect of the dispute between the workmen and the management of M/S Siemens Laboratories 59, Industrial Estate Maharauli Road, Gurgaon.

IN THE COURT OF SHRI HARI SINGH KAUSHIK PRESIDING OFFICER LABOUR COURT  
HARYANA, FARIDABAD

Reference No. 86 of 1981

between

MISS SHARDA DEVI, WORKMAN LADY AND THE RESPONDENT OF M/S: SIEMENS  
LABORATRIES, 59, INDUSTRIAL ESTATE, MAHARAUJI ROAD, GURGAON.

Shri S.K. Goswami, for the workman.  
Shri M. P. Gupta, for the respondent anagement.

AWARD

This reference No. 86 of 1981 has been referred to this Court by the Hon'ble Governor of Haryana,—vide his order No. 1D/GGN/99-80/7469, dated 11th February, 1981, under section 10(i)(c) of the Industrial Disputes Act, 1947, existing between Miss Sharda Devi, Workman lady and the respondent management of M/S. Siemens Laboratories, 59 Industrial Estate, Maharaul Road, Gurgaon. The terms of the reference was :—

Whether the termination of services of Miss Sharda Devi was justified and in order ? If not, to what relief is she entitled ?

Notices were issued to the parties after receiving this reference. The parties appeared and filed their pleadings. The case of the workman according to demand notice and claim statement is that the workman joined her services in the year 1975 and her services were terminated from 18th July, 1980 illegally, unlawfully and mala-fidely. No charge sheet was given and no enquiry was conducted against the workman applicant. So no opportunity of personal hearing was given, and the order of termination was wrong and illegal and mala-fide and the workman is entitled for her reinstatement with full backwages and continuity of service.

The case of the respondent according to written statement is that the reference is bad in law because there exist no relationship of employer and employee between the parties and this court has no jurisdiction to hear the reference. The workman did not joined the services since 1975 and her services were not terminated by the respondent on 18th July 1980. As she never worked with the respondent hence there exist no relation of employer and employee between the parties.

On the pleadings of the parties, the following issues were framed:—

1. Whether the relationship of employer and employee exist between the parties.
2. Whether the termination of service of the workman is proper justified and in order ? If not to what relief is she entitled ?
3. Relief ?

Issue No. 1 was ordered to be treated as preliminary My findings on this issue is as under:—

**Issue No. 1.**—The representative of the respondent argued that the workman did not work in the factory for a single day and there is no record with the workman to show that she worked with the respondent factory from the year 1975. There is no letter of termination with the workman to show that her services were terminated by the respondent. In the light of non production of document it is very clear that the workman did not worked with the respondent and cannot be held that she was their employee. On the other hand the respondent has produced the list of persons employed by the respondent from April 1976 to March, 1981 which are Exhibit M-1 to M-5 and in these lists her name is not mentioned. It prove that she was not the employee of the respondent. The respondent partner Shri Atma Singh Bansal appear as MW-1 and stated that the workman has not worked in their factory as mentioned in the claim statement so in the absence of record with the workman it clearly proved that the workman was not the employee of the respondent. The workman has not given fixed date of his joining the respondent factory. She has simply stated in her statement as MW-1 that she joined the service of the respondent in the year 1975 and terminated on 18th July, 1980. She has stated in her cross examination that she has no proof of his employment with her. He further argued that when there is no proof with the workman to prove the employment then the case is very clear and against her.

The representative of the workman argued on this issue that the workman called the respondent as her own witness with the record and the partner of the respondent has stated as WW-2 that the factory was started in the year 1979 at Ambala Cantt and it was shifted to Gurgaon. The workman called the voucher cash book, wages register and attendance register of the respondent from 1975 to upto date. The respondent bring the cash book and register and not the voucher of this period because there was a record of workman's employment in the voucher as they pay the salaries of the workman on the vouchers and not on the wages register. The workman has stated in her statement that she worked as Machine Operator and was receiving Rs. 165/- per month. She further stated in her cross examination that no appointment letter or wages slip was given to the workman, and no attendance card used to be given to her. She has further stated that she was working in the factory. The other girls Sushma, Nilam, Kishan, Amar and Jitender also worked with her in the factory. The respondent did not deduct the ESI and Provident Fund from the salary of the workman. He further argued that Shri Atma Singh Bansal another partner of the respondent came as MW-1 and simply stated that the claimant never worked in the factory. He has further stated that he had not brought any record from 1975 to upto date because he was not asked by the other partner to bring it. He further argued that the workman has produced one co-workmen as witness to prove her case as WW-3 Shri Naresh Kumar, who has stated in his statement that he worked in the year 1978 to 1979 in the factory for 2 years and the claimant was also working with him in the factory and he know the claimant. He has further stated that he know the partner of the firm present in the court and he used to pay the wages on the vouchers and not on register. No appointment letter was given to him or any workman working in the factory. There is no ESI and Provident Fund Scheme applicable by the respondent for the workmen in the factory and they treated the workman as temporary hands and not permanent one. He further argued that in the cross examination by the respondent it is very clear, that the witness and the claimant were the employee of the respondent. He also named the persons working in the factory in the cross examination which were not rebutted by the respondent. He had further stated in his cross examination that Labour Inspector or the ESI staff used to come to check up the record but the respondent asked the workman to wait for some time outside the factory. At the time of inspection it is very clear in the law that when a party did not produce the record, which was summoned without any cognate reason then the inference goes against the party who did not produce the summoned record. In this case also the respondent did not produce any record which was required by the workman knowingly and without any reasons which shows that the workman was the employee of the respondent and so they concealed the fact by not producing the record.

After hearing the arguments of both the parties, and going through the file, I am of the view that the workman has proved her case that she was the employee of the respondent. The workman summoned the record of the respondent in which there was a proof of employment in the company and the respondent did not produce that record in the court inspite of two or three adjournments for this reason. clearly proves that the record was withheld by the respondent knowingly. There was a proof in that record that she was the employee of the respondent. The workman produced a co-workman WW-3 who clears the whole position of the case. So the issue is decided in favour of the workman against the respondent and it is held that the claimant was the employee of the respondent.

*Issue No. 2.*—Issue No. 1 was the preliminary issue and I think there is no need to give other opportunity to the respondent to prove that the termination of service was justified by the respondent. When they have categorically stated in their written statement and in their statement that there is no relationship exist between the parties then in my view they cannot lead any evidence to prove this fact that the service terminated was justified by the respondent. So I think there is no need to give any opportunity to the parties to justified the termination, issue. It is simply a waste of time and prolonging the reference. So I decide the Issue No. 2 in favour of the workman and holding that the termination was not justified and in order and the workman is entitled for her reinstatement with continuity of service and with half back wages as the company is a very small unit and cannot bear the burden of full back wages.

This be read in answer to this reference.

Dated 1st July, 1982.

HARI SINGH KAUSHAIK,

Presiding Officer,

Labour Court, Haryana, Faridabad.

Endorsement No. 1603, dated 15th July, 1982.

Forwarded (four copies) to the Commissioner & Secretary to Government Haryana, Labour and Employment Department, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

HARI SINGH KAUSHIK,

Presiding Officer,

Labour Court, Haryana,  
Faridabad.

No. 9(1)82-6Lab/7507.—In pursuance of the provision of section 17 of the Industrial Disputes Act 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad in respect of the dispute between the workmen and the management of M/s Haryana Seed Corporation, Yamuna Nagar.

IN THE COURT OF SHRI HARI SINGH KAUSHIK, PRESIDING OFFICER, LABOUR COURT  
HARYANA, FARIDABAD

Reference No. 297 of 1978 (320 Fbd. of 1981)

Between

SHRI KRISHAN LAL, WORKMAN AND THE RESPONDENT MANAGEMENT OF M/S  
HARYANA SEED CORPORATION, YAMUNA NAGAR.

Shri Balbir Singh, for the workman.  
Shri W.C. Sharma, for the respondent.

#### AWARD

This reference No. 297 of 1978 (320-Fbd of 1981) has been referred to the Labour Court, Rohtak by the Governor of Haryana,—vide his order No. ID/YMN/62/78/47574, dated 20th October, 1978, under section 10(i)(c) of the Industrial Disputes Act, 1947, existing between Shri Krishan Lal, workman and the management of M/s Haryana Seed Corporation, Yamuna Nagar. The term of the reference was :—

Whether the termination of service of Shri Krishan Lal was justified and in order ? If not, to what relief is he entitled ?”

After receiving this reference notices were served on the parties by the Labour Court Rohtak. The parties appeared and filed their pleadings. The case of the workman according to demand notice and claim statement is that the workman was working as chowkidar and drawing Rs. 240 per month and he was illegally terminated on 13th January, 1978. The workman sent a demand notice on 17th January, 1978 in reply he received the false allegation which have no ground or base. No enquiry was conducted and the action of termination of the respondent is illegal and the workman is entitled for his reinstatement with full back wages and continuity of service.

The case of the respondent according to the written statement is that the workman absented from duty on 13th January, 1978 of his own accord the respondent sent the registered letters to the workman to join his duty but he failed. So the reference is bad in law. The workman was a casual daily wages employee and his services were not terminated, but he absented himself from duty. There was a theft in the plant on 13th January, 1978 and the matter being investigated departmently to find out the fault. The workman was not found guilty of the theft but his absence from 13th January, 1978 raised doubt about the integrity. He was sent a registered letter dated 21st February, 1978 to join his duty within 3 days but he failed to comply. Then another notice dated 3rd March, 1978 was also sent through registered letter asking the workman to resume duty within 7 days but he failed to turn up. In the Conciliation proceedings the respondent offered the workman to resume his duty and the conciliation Officer wrote a letter to the workman on 28th February, 1978 intimating that his name is still on the role of the respondent and he should report for duty. But inspite of this letter of the Conciliation Officer he failed to join his duty. So the respondent did not terminated the services of the workman, but he absented himself from duty of his own accord.

On the pleadings of the parties, following issues were framed :—

- (1) Whether the workman abandoned his job voluntarily of his own accord and the management did not terminated the services ?
- (2) As per reference ?

The case was transferred to this Court by the Secretary, Labour Department order No. 1(79)80-1-Lab. datad 20th October, 1981, after the evidence of the management and at the stage of the workman evidence. The case was started from 20th December, 1978. The workman evidence started from 22nd October, 1981. The case was fixed for 23rd February, 1982 for the workman's evidence. On that day neither the workman nor his representative came present and so many dates for workman's evidence were given. So I close the proceedings and heard the arguments *ex parte* on 23rd February, 1982 when there is no evidence of the workman on the file except the claim statement the workman has failed to produce any evidence written or oral to prove his case, whereas the respondent has proved his case by producing documentary as well as oral evidence in the case. The respondent produced Ex. MW1/3 dated 3rd March, 1978 a letter from the reposndent to the workman to join his duty within seven days. After receiving this letter and the registered A.D. Ex. MW 1/4 signed by the workman it shows that the workman has received the letter and did not come to resume his duty after receiving this letter, and a letter Ex. MW-1/2 from the Labour Officer to the workman dated 28th February, 1978 for resuming his duty and a letter dated 27th January, 1978 Ex. MW-4 the demand notice of the workman and letter Ex. MW-1/6 dated 15th March, 1978 from the respondent to the workman to join his duties, but inspite of these letters the workman did not turn up to join his duties and even did not come to prove his case in the court. The respondent called Shri Surinder Pal Singh, Deputy Director, Agriculture as MW-1 and Shri O.P. Sachdeva, Accountant of the department to prove their case who corroborated the plea of he respondent and prove the case of the respondent. When there is no evidence of the workman on the file, the workman is not entitled for any relief and the issues are decised against the workman and in favour of the respondent.

This be read in asnwser to this reference.

Dated the 1st July, 1982.

HARI SINGH KAUSHIK,

Presiding Officer,  
Labour Court, Haryana, Faridabad.

Endst. No. 1604, dated the 15th July, 1982.

Forwarded (four copies) to the Commissioner and Secretary to Government, Haryana, Labour and Employment Department, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

1. M.  
2. S. J. S.  
3. S. J. S.  
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5. S. J. S.

HARI SINGH KAUSHIK,

Presiding Officer,  
Labour Court, Haryana, Faridabad.